

Hal Taylor, Esq.
Of Counsel, Olinsky Law Group
NV Bar No.: 4399
2551 W. Lakeridge Shores
Reno, NV 89519
Telephone: 775-825-2223
Facsimile: 775-329-1113
Email: HalTaylorLawyer@gbis.com

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSHUA E. LEMMENS,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant

Case No. 2:20-cv-00881-BNW

**MOTION FOR ATTORNEY'S
FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE
ACT, [28 U.S.C.A. § 2412](#).**

**PLAINTIFF'S MOTION FOR ATTORNEY'S FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT, [28 U.S.C.A. § 2412](#).**

COUNSEL:

PLEASE TAKE NOTICE that upon the annexed affirmation of Hal Taylor, attorney for Plaintiff, and other papers, Plaintiff will make a motion before Hon. Brenda N. Weksler at Lloyd D. George Courthouse, 333 Las Vegas Blvd. South, Las Vegas, NV 89101 on a date to be set by the court, for an order:

1. Awarding an Equal Access to Justice Act Counsel Fee for \$8,019.70; and
2. Awarding expenses in the amount of \$17.25; and
3. Awarding costs in the amount of \$400.00; and
4. If Plaintiff has no debt registered with the Department of Treasury subject to offset that the fees be made payable to the attorney.

Plaintiff, by his attorney, Hal Taylor, moves the court for an award to be paid by the Defendant under the Equal Access to Justice Act, [28 U.S.C.A. § 2412](#).

Plaintiff may receive an award under the Equal Access to Justice Act because he is the prevailing party, is an individual whose net worth did not exceed two million dollars when the action was filed, and the position of the United States in this litigation and/or at the agency was not substantially justified. Although the burden of proof on substantial justification is on the government, Plaintiff's supporting memorandum briefly addresses this issue.

There are no special circumstances in this case which make an award under the EAJA unjust.

This motion is supported by an affirmation of Plaintiff's attorney, attached time and cost records and an Affidavit and Waiver of Direct Payment by Plaintiff.

Executed this October 26, 2021

Order

IT IS ORDERED that ECF
No. 23 is DENIED as moot in
light of ECF No. 26.

Respectfully submitted,

Page 2

1
2 /s/ Hal Taylor

3 Hal Taylor, Esq.

4 Of Counsel, Olinsky Law Group

5 NV Bar No.: 4399

6 2551 W. Lakeridge Shores

7 Reno, NV 89519

8 Telephone: 775-825-2223

9 Facsimile: 775-329-1113

10 Email: HalTaylorLawyer@gbis.com

11
12 Attorney for Plaintiff
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28